IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re: ELIZABETH THOMAS	§	Case No. 23-34971 (JPN)
Debtor	§	(Chapter 13)
	§	
Elizabeth Thomas et al,	§	
<i>App</i> ellants	§	
vs.	§	
	§	
PCF Investment Inc a/k/a PCF Properties in	§	
Texas LLC.	§	
Apellees	§	

MOTION FOR ORDER SHORTENING TIME FOR NOTICE OF THE HEARING TO CONSIDER EXPEDITED APPLICATION FOR ENTRY OF AN AGREED TO ORDER LIFTING THE AUTOMATIC STAY

THIS IS A MOTION FOR ENTRY OF AN AGREED ORDER CONDITIONING THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT WITHIN 14 DAYS OF THE DATE THIS WAS MAILED TO YOU. IF NO TIMELY OPPOSITION IS FILED, THE COURT MAY GRANT THE RELIEF WITHOUT A HEARING.

- 1. Movant James M. Andersen (Co-Debtor),
- 2. The Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas and the Creditor: PCF Investments Inc., a/k/a/ PCF Properties in Texas LLC., were all parties to Chapter 7 bankruptcy in the U.S. Bankruptcy Court for the District of Delaware under case No. 23-10378 filed on March 30, 2023.
- 3. On March 30, 2023, the Movant filed with the Clerk of the U.S. Bankruptcy Court for the District of Delaware a Notice of Removal ("Adversary Proceeding"), pursuant to Rule 9027 removing cause No. 2020-35780, in the case styled as *James Allen and Allan Haye vs. PCF Investments Inc.*, its subsidiary PCF Properties in Texas LLC vs. Elizabeth Thomas and James M. Andersen, from the 80th District Court, Harris County, Texas into case No. 23-10378 in the U.S. Bankruptcy Court of Delaware.
- 4. On May 1, 2023, the Honorable Judge Thomas M Horan U.S.B.J., at the request of the Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas dismissed PCF Investments Inc., a/k/a/ PCF Properties in Texas LLC., Chapter 7 bankruptcy petition.
- 5. On August 25, 2023, the Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas, filed in the U.S. Bankruptcy Court for the District of Delaware under case No. 23-10378 (i) Motion to Reopen (ii) Motion for Relief from a Prior Judgment and (iii) Motion for a Remand Order. On August 30, 2023, the court denied all three motions.
- 6. On September 12, 2023, the Debtor Elizabeth Thomas filed timely Notice of Appeal of the denial of all three (3) motions in the U.S. Federal District Court of Delaware under case, No. 23-CV-01047.

- 7. On October 23, 2023, Judge Christopher J. Burke U.D.S.J., in the U.S. Federal District Court of Delaware issued an mediation order Pursuant to Court's July 19, 2023 Standing Order regarding procedures governing mediation of all appeals from the United States Bankruptcy Court for the District of Delaware. See **Ex**.1
- 8. The Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas and the Creditor: PCF Investments Inc., a/k/a/ PCF Properties in Texas LLC., have entered on December 17, 2023, into a binding settlement agreement as to all claims and seek file the settlement agreement so as to dismiss the appeal
- 9. The Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas, seeks the record to reflect that P.C.F. PROPERTIES IN TX LLC, is a Texas Limited Liability Company **Ex**. 2, with a similar name to the creditor PCF Properties in Texas LLC, whom is <u>not</u> a Texas Limited Liability Company. **Ex**.3. These two entities are unrelated separate and distinct.
- 10. P.C.F. PROPERTIES IN TX LLC, Texas Limited Liability Company is not a party the Appeal in the U.S. District Court of Delaware under case No. 23-CV-01047, presently pending before the Honorable Chief Judge Colm F. Connolly, .U.S.D.J.
- 11. The Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas and the Creditor: PCF Investments Inc., a/k/a/ PCF Properties in Texas LLC., are not seeking to litigate before this court the parties merely seek the court to lift the stay or determine no stay is in effect.
- 12. The Movant, debtor Elizabeth Thomas, co-debtors James Allen, Allan Haye, Robert L. Thomas and the Creditor: PCF Investments Inc., a/k/a/ PCF Properties in Texas LLC have agreed to condition the automatic stay pursuant to the terms of the attached agreed order. Accordingly the parties request entry of the agreed order on a expedite basis.

Date: February 15, 2024.

Respectfully submitted,

THE JAMES M. ANDERSEN LAW FIRM

/s/James M. Andersen

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Certificate of Conference

On February 15, 2024, the Movant James M. Andersen conferred with Attorney Alzadia Spires counsel of record for the Creditor PCF Properties in Texas LLC in the First Court of Appeals in Houston as to whether she agrees with Creditor PCF Properties in Texas LLC with the filing of this motion and counsel agreed.

/s/James M. Andersen James M. Andersen

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on February 15, 2024 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/James M. Andersen
James M. Andersen

CREDITORS MATRIX

United States Courts
Southern District of Texas
FILED

DEC 19 2023

Nathan Ochsner, Clerk of Court

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